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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case Number **2013-101**

13 **JINTANA GREEN**
118 Wetlands Edge Road
American Canyon, California 94503

A C C U S A T I O N

14 **Registered Nurse License Number 742254**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Complainant Louise R. Bailey, M.Ed., R.N., brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about January 7, 2009, the Board issued Registered Nurse License Number
23 742254 to Respondent Jintana Green. This registered nurse license was in full force and effect at
24 all times relevant to the charges brought in this Accusation and will expire on July 31, 2014,
25 unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 “(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
2 functions.”

3 8. California Code of Regulations, title 16, section 1442, provides:

4 “As used in Section 2761 of the code, ‘gross negligence’ includes an extreme departure
5 from the standard of care which, under similar circumstances, would have ordinarily been
6 exercised by a competent registered nurse. Such an extreme departure means the repeated failure
7 to provide nursing care as required or failure to provide care or to exercise ordinary precaution in
8 a single situation which the nurse knew, or should have known, could have jeopardized the
9 client's health or life.”

10 9. California Code of Regulations, title 16, section 1443, provides:

11 “As used in Section 2761 of the code, ‘incompetence’ means the lack of possession of or
12 the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
13 exercised by a competent registered nurse as described in Section 1443.5.”

14 10. California Code of Regulations, title 16, section 1443.5, provides:

15 “A registered nurse shall be considered to be competent when he/she consistently
16 demonstrates the ability to transfer scientific knowledge from social, biological and physical
17 sciences in applying the nursing process, as follows:

18 “(1) Formulates a nursing diagnosis through observation of the client's physical condition
19 and behavior, and through interpretation of information obtained from the client and others,
20 including the health team.

21 “(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
22 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
23 for disease prevention and restorative measures.

24 “(3) Performs skills essential to the kind of nursing action to be taken, explains the health
25 treatment to the client and family and teaches the client and family how to care for the client's
26 health needs.

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1 “(4) Delegates tasks to subordinates based on the legal scopes of practice of the
2 subordinates and on the preparation and capability needed in the tasks to be delegated, and
3 effectively supervises nursing care being given by subordinates.

4 “(5) Evaluates the effectiveness of the care plan through observation of the client’s physical
5 condition and behavior, signs and symptoms of illness, and reactions to treatment and through
6 communication with the client and health team members, and modifies the plan as needed.

7 “(6) Acts as the client’s advocate, as circumstances require, by initiating action to improve
8 health care or to change decisions or activities which are against the interests or wishes of the
9 client, and by giving the client the opportunity to make informed decisions about health care
10 before it is provided.”

11 **COST RECOVERY**

12 11. Section 125.3, subdivision (a), provides:

13 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
14 proceeding before any board within the department or before the Osteopathic Medical Board
15 upon request of the entity bringing the proceedings, the administrative law judge may direct a
16 licensee found to have committed a violation or violations of the licensing act to pay a sum not
17 to exceed the reasonable costs of the investigation and enforcement of the case.”

18 **DRUGS**

19 12. “Insulin” (“Novolin”) is a hormone used to treat diabetes. Too much insulin causes a
20 reaction resulting from low blood sugar levels or hypoglycemia.

21 **FACTUAL BACKGROUND**

22 13. On or about October 2009, Respondent began employment as a Registered Nurse
23 with Golden Living Center, a skilled nursing facility in San Diego, California.

24 14. On or about January 17, 2010, the following physician’s order was written for
25 Resident 1¹:

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27 _____
28 ¹ The patient’s name will be released pursuant to a discovery request.

1 "SLIDING SCALE: NOVOLIN R 100 U/ML SOL (Insulin Human Regular) BS RESULT
2 - 100/10 = NOS. OF UNITS TO BE GIVEN NOT TO EXCEED 20 UNITSSubcutaneous [Sic]
3 BEFORE MEALS & BEDTIME FSBS"

4 15. On or about March 2, 2010, a physician progress note stated that Resident 1's "blood
5 sugars [are] out of control."

6 16. On or about March 24, 2010, at approximately 2:00 a.m., Respondent had difficulty
7 rousing Resident 1. His blood sugar measured 400 mg/dL. Respondent gave Resident 1 an
8 injection of 30 units insulin. She rechecked his blood sugar at approximately 2:30 a.m. and found
9 it to be 360 mg/dL.

10 17. At approximately 6:00 a.m., Respondent checked on Resident 1 and found him
11 unresponsive. His blood sugar measured 21 mg/dL. She could not get him to swallow a glucose
12 solution to raise his blood sugar. She called paramedics, who administered dextrose
13 intravenously to Resident 1. Resident 1 eventually recovered.

14 18. On or about September 16, 2011, Respondent was interviewed about this matter. She
15 admitted giving 30 units of insulin to Resident 1 and not reading the medication order thoroughly
16 enough to see the portion that limited insulin to 20 units.

17 **FIRST CAUSE FOR DISCIPLINE**
18 **Unprofessional Conduct: Gross Negligence**
(Bus. & Prof. Code, §§ 2761, subds. (a) & (a)(1))

19 19. The allegations of paragraphs 13-18 are realleged and incorporated by reference as if
20 fully set forth.

21 20. Respondent has subjected her license to disciplinary action for unprofessional
22 conduct (gross negligence) under section 2761, subdivision (a), as defined by subdivision (a)(1)
23 and California Code of Regulations, title 16, section 1442. As set forth in paragraphs 13-18
24 above, Respondent was grossly negligent and manifested an extreme departure from the standard
25 of care which, under similar circumstances, would have ordinarily been exercised by a competent
26 registered nurse by acts which include, but are not limited to, the following:

- 27 • Administering an injection of 30 units insulin to Resident 1 without a physician's order;
- 28 • Not contacting the physician when Resident 1 was lethargic due to high blood sugar;

- Not contacting the physician when Resident 1 was unresponsive due to low blood sugar; and
- Failing to frequently observe Resident 1 after administering insulin for a blood sugar reading of 400 mg/dL.

SECOND CAUSE FOR DISCIPLINE
Unprofessional Conduct: Incompetence
(Bus. & Prof. Code, § 2761, subs. (a) & (a)(1))

21. The allegations of paragraphs 13-18 are realleged and incorporated by reference as if fully set forth.

22. Respondent has subjected her license to disciplinary action for the unprofessional conduct (incompetence) under section 2761, subdivision (a), as defined by subdivision (a)(1) and California Code of Regulations, title 16, section 1443. As set forth in paragraphs 13-18 above, Respondent was incompetent and failed to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse by acts which include, but are not limited to, the following:

- Failing to formulate a nursing diagnosis when Resident 1 was difficult to arouse or was lethargic due to a blood sugar level of 400 mg/dL;
- Failing to formulate a nursing diagnosis when Resident 1 was unresponsive due to a blood sugar level of 21 mg/dL;
- Failing to formulate a nursing care plan which should have been to contact to the physician immediately to report an urgent or emergent situation and obtain corresponding orders;
- Failing to perform skills in high and low blood sugar situations such as failing to give insulin according to physician orders, failing to give glucose for low blood sugar according to order or protocol, failing to check and recheck blood sugar by finger stick, failing to observe the patient every one to two hours after administering insulin, failing to closely monitoring the patient's other associated symptoms, and failing to call the physician at any time during this incident.

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PRAYER

WHEREFORE, complainant requests that a hearing be held on the matters alleged in this Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 742254 issued to Jintana Green;
2. Ordering Jintana Green to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

August 8, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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